

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE**

**CLARK MADISON KENT,  
Plaintiff,**

**v.**

**KNOX COUNTY, TENNESSEE, et al.,  
Defendants.**

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**No. 3:05-CV-259**

**No. 3:05-CV-307**

**No. 3:07-CV-209**

**Phillips/Shirley**

**ORDER**

This matter is before the court on the motion to dismiss filed by Timothy Hutchison, individually, and Hartford Insurance Company [Doc. 78]. Plaintiff has failed to respond to the motion; therefore, pursuant to LR 7.2, he is deemed to have waived any opposition to the relief sought. For the reasons which follow, defendants' motion will be granted and defendants Timothy Hutchison and Hartford Insurance Company will be dismissed from this action.

This action was filed on May 24, 2005. On September 11, 2006, this court granted summary judgment to Timothy Hutchison in his individual capacity. On that same date, the court also granted the motion to dismiss filed by Hartford Insurance Company. On August 21, 2007, plaintiffs filed an Amended and Restated Complaint alleging the same claims against these defendants which had been dismissed by the court on September 11, 2006. Inasmuch as plaintiffs have failed to respond to the motion to dismiss and failed to

provide the court with any reason why these defendants should remain in this action, the motion to dismiss [Doc. 78] is hereby **GRANTED**, whereby Timothy Hutchison is **DISMISSED** from this lawsuit in his individual capacity, and defendant Hartford Insurance Company is also **DISMISSED** from the action.

**IT IS SO ORDERED.**

ENTER:

s/ Thomas W. Phillips  
United States District Judge